

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF OKLAHOMA

GREGORY HARDY)
Plaintiff,)
vs.)
UNITED STATES OF AMERICA) Case No. CIV-25-
Defendant.)

COMPLAINT

Plaintiff Gregory Hardy hereby submits this Complaint against Defendant and states the following:

1. Plaintiff Hardy is an individual and citizen of the State of Oklahoma, residing in Cleveland County.
2. The Defendant is the United States of America, which is subject to suit for personal injury and property damage caused by the negligent or wrongful acts of its employees pursuant to the Federal Tort Claims Act (“FTCA”), 28 U.S.C. §§ 1346(b), 2671-2680.
3. This Court has subject matter jurisdiction over this action pursuant to 28 U.S.C. § 1346(b)(1).
4. Venue is proper in this District under 28 U.S.C. § 1402(b) because the acts and omissions giving rise to this claim occurred within the Western District of Oklahoma.

5. Plaintiff has exhausted all administrative remedies required under the FTCA.

Plaintiff timely filed an administrative claim with the United States Postal Service, which was denied on January 30, 2025. Plaintiff accordingly brings this action no later than six months after the date the Postal Service mailed the notice of denial.

6. Pursuant to 28 U.S.C. § 2679(b)(1), the remedy against the United States provided by the FTCA is exclusive of any other civil action or proceeding for money damages against the individual employee. Therefore, the postal employee involved in the collision is not named as a defendant.

FACTUAL ALLEGATIONS

7. On or about October 12, 2022, Plaintiff was lawfully operating a motorcycle on Southeast 104th Street in Oklahoma City, Oklahoma.

8. At the same time and place, an employee of the United States Postal Service (“USPS”), acting within the scope of their employment, negligently operated a USPS vehicle and caused a collision with the Plaintiff’s vehicle.

9. The USPS employee failed to exercise reasonable care, including by not limited to failing to maintain a proper lookout, and failing to yield the right-of-way.

10. As a direct and proximate result of the USPS employee’s negligence, Plaintiff suffered physical injuries, emotional distress, property damage, and incurred medical expenses.

11. Plaintiff continues to suffer from the injuries and losses sustained in the collision.

CLAIM FOR RELIEF

12. Plaintiff incorporates by reference the allegations set forth in Paragraphs 1 through 11 above.
13. The United States of America, through its employee, is liable to Plaintiff under the FTCA for the negligence described above.
14. As a direct and proximate result of the negligence of the United States, Plaintiff has sustained damages in an amount to be determined at trial, including but not limited to: past and future medical expenses, past and future pain and suffering, emotional distress, property damage, and other compensatory damages permitted by law.

PRAYER FOR RELIEF

WHEREFORE, Plaintiff respectfully requests that this Court enter judgment in favor of Plaintiff and against Defendant, the United States of America, and award:

- A. Compensatory damages in an amount to be determined;
- B. Costs of this action;
- C. Pre-judgment and post-judgment interest as permitted by law; and
- D. Such other and further relief as the Court deems just and proper.

Dated: May 14, 2025

Respectfully submitted,

s/Jeremy Z. Carter
Jeremy Z. Carter, OBA #19772
CARTER LAW FIRM
P.O. Box 255
131 N.W. 32nd Street
Newcastle, Oklahoma 73065
Telephone: (405) 392-3300
Facsimile: (405) 392-2417
Jeremy@jzcarterlaw.com
Attorney for Plaintiff